IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

LA.App..No. 572 of 2004()

LAR.128/2002 of SUB COURT, CHERTHALA
.....

APPELLANT: APPELLANT/RESPONDENT.

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.K.V. MANOJ KUMAR

RESPONDENTS: CLAIMANTS & 2 RESPONDNET.
---

1. PARAMESWARA PANICKER, AMBADY MANDIRAM,
CHANDIROOR.

2. MANAGER, FEDERAL BANK, BEACH, KOLLAM.

3. S.BINDU, ERANATTU, RAMANKULANGARA,
KOLLAM.

4. THE MANAGING DIRECTOR,
K.S.I.D.C, THIRUVANANTHAPURAM.

BY ADV. SRI.J.OM PRAKASH-R1
SRI.V.PHILIP MATHEW-R3
SRI.G.S.REGHUNATH-R4

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 04/12/2007, ALONG WITH LAA NO. 705 OF 2004 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID,JJ.

L.A.A. NOS. 572, 705,764, 795, 853, 945 & 992 OF 2004, 110, , 251, 331, 454, 531, 534, 651, 774, 775, 798, 831, 947, 995, 1022, 1124, 1183, 1231, 1232, 1304, 1321, 1431, & 1437 OF 2005, 71, 72, 450 & 513 OF 2006 &1637 OF 2007

Dated this the 4th day of December, 2007

JUDGMENT

Kurian Joseph, J.

These appeals are filed by the State and the Requisitioning Authority, namely, the Kerala State Industrial Development Corporation. Learned counsel for the claimants submits that the land value fixed has attained finality and yet the claimants are not permitted to withdraw the amounts on account of the pendency of the appeals. The claimants, therefore, pray that the appeals may be disposed of.

2. Aggrieved by the fixation of land value by the Land Acquisition Officer, the claimants approached the reference court and the reference court fixed land value granting substantial enhancement. The State and the Requisitioning Authority approached this Court in various appeals. This Court remanded the matters to the reference court by judgment in L.A.A. No.725 of 2004 and connected cases.

3. It is brought to our notice that even after the remand, the reference court sustained the fixation originally made in respect of various categories of land. The State and the Requisitioning Authority again approached this Court and this Court sustained such fixation made by the reference court after remand by judgment in L.A.A. No.418 of 2006 and connected cases. The land value fixed by the reference court attained finality by fixation of same rate as sustained by this Court in the judgment in L.A.A. No.703 of 2006 and connected cases (**K.S.I.D.C. v. Naniamma Lakshmikutty Amma, 2007(3)K.L.T. 194**). The Kerala State Industrial Development Corporation pursued the matter before the Supreme Court, but without success. In that view of the matter, nothing survives in these appeals.

Hence, the appeals are dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A. NOS. 572, 705,764, 795, 853, 945 & 992 OF2004, 110, , 251, 331, 454, 531, 534, 651, 774, 775, 798, 831, 947, 995, 1022, 1124, 1183, 1231, 1232, 1304, 1321, 1431, & 1437 OF 2005, 71, 72, 450 &513 OF 2006 &1637 OF 2007

JUDGMENT

4TH DECEMBER, 2007